

REMARKS

The specification has been amended to insert the sequence identification numbers after every amino acid contained therein. No new matter has been added.

In order to expedite the prosecution of the present application, the subjects matter of Claims 1 and 2 have been combined and presented as newly added Claim 16. Accordingly, Claims 1 and 2 have been canceled. Additionally, the claims have been amended to add the sequence identification numbers behind the amino acid sequences. Other amendments have been made to the claims to place them in better form for consideration by the Examiner. No new matter has been added. Newly presented Claim 17 contains the subject matter the Examiner has indicated as being allowable in the outstanding Office Action. It is respectfully submitted that the currently presented claims comply with the requirements of 35 USC 112 and contain no formal defects. Favorable consideration is respectfully solicited.

Claims 1, 6, 8, 10, 12 and 14 have been rejected under 35 USC 102(b) as being anticipated by Hubbell et al. Claims 1, 6, 8, 10, 12 and 14 have been rejected under 35 USC 102(b) as being anticipated by Lee. Claims 4 and 5 have been rejected under 35 USC 102(b) as being anticipated by Japanese Patent Application No. 6-292595. Claims 1-15 have been rejected under 35 USC 102(a) as being anticipated by Yamada et al. Claims 1, 6, 8, 10, 12 and 14 have been rejected under 35 USC 102(b) as being anticipated by Hummel et al. Claims 1-3 and 6-15 have been rejected under 35 USC 102(e) as being anticipated by Altman et al. Applicants respectfully request reconsideration in light of the following comments.

Due to the amendments to the claims, it is respectfully submitted that the rejections over the Hubbell et al reference, Lee reference, and Hummel et al reference have been overcome.

The presently claimed invention is directed to a peptide composition having cell growth promoting activity and comprising partial peptides of one or more peptide chains selected from peptide chains forming noncrystalline portions constituting silk protein and having an amino acid sequence selected from SEQUENCE ID NOS. 1-8 as set forth in the present claims and specification. As discussed in the present specification, the present invention provides peptides which can be used for cell growth promotion and are different from cell growth factors produced by abnormal cells, such as tumor cells. It is respectfully submitted that the presently claimed invention is patentably distinguishable over the references cited against the present application.

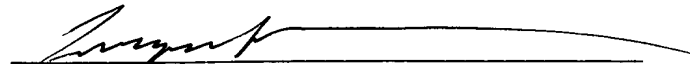
The presently claimed invention is distinguishable over JP 06-292595 in that the noncrystalline portions and crystalline portions of silk protein are not separated but instead subjected to hydrolysis by an enzyme. Additionally, this reference describes in paragraph [0045] that according to the analysis of amino acids when subjected to hydrolysis "there was not found so large a difference between the water-soluble powders and amino acid compositions of sediment". In contrast thereto, in the present invention, noncrystalline portions and crystalline portions of silk protein are separated from each other and the noncrystalline portions are subjected to the analysis of amino acids. This makes it possible to obtain different amino acid compositions at crystalline portions and noncrystalline portions. This is shown from the fact that there occurs a difference in cell growth rate. As such, it is respectfully submitted that the presently claimed invention clearly is patentably distinguishable thereover.

The remaining references cited against the present claims, Yamada et al and Altman et al, all have publication or filing dates prior to the filing date of the priority application, Japanese Patent Application No. 2003-406608, on which the present application claims benefit. An English-

language translation of the foreign priority document will be provided in a Supplemental Response to perfect Applicants' earlier foreign priority date of February 28, 2003.

Favorable consideration of the present application is respectfully solicited.

Respectfully submitted,


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